

BOARD OF SUPERVISORS

MINUTES

September 22, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Ms. Jana Carter, Dir.,
Youth Planning and
Development
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Charles Dane, Asst.
Dir., General Services
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. William Dupler,
Building Official
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC
Clerk
Mr. Jeff Franklin, Asst.
Dir., Utilities
Mr. Michael Golden, Dir.,
Parks and Recreation
Dep. Chief James Graham,
Fire Department
Mr. Lawrence C. Haake, III
Registrar
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Major David Hutton,
Sheriff's Office
Mr. Thomas E. Jacobson,
Dir. of Revitalization
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Mr. Mike Mabe, Dir.,
Libraries
Mr. R. John McCracken,
Dir., Transportation

Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Ms. Karen F. Russell,
Risk Manager
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office
Mr. Kirkland A. Turner,
Director of Planning
Mr. Scott Zarembo, Asst.
Dir., Human Resource
Management

Mr. Miller called the regularly scheduled meeting to order at 3:38 p.m.

1. APPROVAL OF MINUTES

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the minutes of August 25, 2004, September 3, 2004, as submitted, and September 6, 2004, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

Mr. Ramsey stated Mr. David Welchons, former Director of Utilities, passed away on September 19, 2004. He noted that Mr. Welchons served with distinction as a member of the Social Services Board for many years following his retirement from the Utilities Department. He expressed condolences to Mr. Welchons' family.

2.A. STORM RECOVERY UPDATE FROM TROPICAL STORM GASTON

Deputy Chief Jim Graham updated the Board regarding emergency activity and storm recovery efforts as a result of Tropical Storm Gaston. He stated Emergency Communications processed 214 total calls for service, 116 of which were storm-related priority calls. He further stated there were 12 major incidents that required a large amount of resources, most of which were immediate life-saving incidents. He stated 64 citizens were rescued or evacuated during a 12-hour period and there was one storm-related fatality. He provided details of numerous rescue situations by Chesterfield Fire and Emergency Medical Services (EMS) and stated many other rescues were made by individual citizens. He stated President Bush declared a major disaster for nine jurisdictions, including Chesterfield County, on September 3, 2004. He further stated 410 applications have been filed from county residents for Federal Emergency Management Agency (FEMA) assistance and 44 citizens have visited the Disaster

Recovery Center at Saint Augustine Catholic Church. He noted the county has also assisted in the coordination of donations and offers of assistance from citizens to provide for unmet needs. He stated staff is working with FEMA to identify eligible projects in need of repair. He further stated individuals will be recognized for their heroic efforts and life saving skills at the Fire and EMS Awards Ceremony on October 5, 2004.

Mr. Warren stated the tremendous response of the public safety personnel demonstrates the leadership of the county in responding to difficult situations.

Mr. Miller stated he was fortunate enough to see some of the rescue efforts, indicating this was the best evidence he has seen of the outstanding commitment by the county's public safety division.

Mr. King stated it was a pleasure to watch the Fire and EMS rescue efforts, noting that a historical landmark was lost as a result of the flood - the Route 1 bridge built in 1823 at Falling Creek. He stated he will propose a resolution in October 2004 to seek any available funding to restore this historic bridge.

Mrs. Humphrey commended public safety employees for the extraordinary valor they demonstrated. She stated the media tremendously assisted the county during the event and requested that letters be sent to the local television stations thanking them for promptly updating residents regarding evacuations, etcetera.

Mr. King noted that the Sheriff's Office also participated along with Police, Fire and EMS in the rescue efforts.

2.B. RICHMOND REGION 2007 PRESENTATION

Mr. Ralph L. "Bill" Axselle, Jr., Chairman of Richmond Region 2007, thanked the Board for its support of Richmond Region 2007. He then introduced Mr. Wilson Flohr, President of Richmond Region 2007, to provide details of the event.

Mr. Flohr stated the three objectives of Richmond Region 2007 are to commemorate our heritage and celebrate our future; to create a clear identity for the Richmond region; and to generate increased tourism business. He provided details of the recommended legacy projects - the Patrick Henry Road to Revolution; the African-American Heritage Trail; Richmond Region Golf Odyssey; and Homecoming '07. He then reviewed details of the recommended signature events, including re-enactment of the Godspeed landing; the National Folk Festival; the James River Freedom Festival; African-American Trailblazers; Democracy and Diversity Forums; World Music Festival; and the International Fireworks Competition.

Discussion ensued relative to inclusion of an event to highlight the importance of the Native American community in the county's history.

2.C. FAMILIES FIRST ADVISORY COMMITTEE PRESENTATION

Mr. Hammer introduced Ms. Clara King, member of the Families First Advisory Committee, to brief the Board on activities of the Families First program.

Mrs. King stated the Families First program provides services for first-time parents referred by Chesterfield and Colonial Heights Health Departments. She further stated the program is currently serving 62 families, 72 percent of which are teenagers. She noted the program is funded primarily by federal Temporary Assistance for Needy Families (TANF) funds at the discretion of the General Assembly. She stated the program is designed to proactively assess a family's needs and intervene early, which is clearly a cost effective approach. She further stated Families First spends only \$3,200 per year per family served as compared to \$15,000 per child that requires treatment through the Comprehensive Services Act. She provided local results that demonstrated the effectiveness of the program, noting that Families First supports family resource centers in each of the county libraries. She stated materials in the resource centers need to be expanded and updated. She thanked the Board for its support of the Families First program.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. King, seconded by Mr. Warren, the Board moved Item 5.B., Adoption of Resolution Recognizing AIM-USA for a Donation Towards the 2004 "Chesterfield Celebrates" Campaign to Item 8.C.1.h.; added Item 8.C.14.f., Set Date for Public Hearing to Consider the Appropriation of Federal Department of Homeland Security Urban Area Security Initiative Funds; added Item 8.C.15., Designation of the Applicant's Primary and Secondary Agents for Public Assistance; added Item 8.C.16., Street Name Approval; and adopted the Agenda, as amended.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING COMCAST CABLEVISION FOR A DONATION TOWARDS THE 2004 "CHESTERFIELD CELEBRATES" CAMPAIGN

Mr. Golden introduced Mr. Kenneth Dye and Ms. Monica Smith-Callaghan who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Parks and Recreation Department provides wholesome, family activities for the enjoyment of county residents; and

WHEREAS, the annual Fourth of July Celebration and Parade of Lights are among the free events that offer entertainment to citizens of all ages; and

WHEREAS, Comcast Cablevision graciously provided a generous donation to be used by the Parks and Recreation Department towards the 2004 "Chesterfield Celebrates" campaign; and

WHEREAS, this donation aided in the enhancement of the special events funded through this campaign; and

WHEREAS, Comcast Cablevision has given back to the community through sponsorship of these special county events; and

WHEREAS, through the cooperative efforts of Mr. Kenneth M. Dye, Director of Government Affairs, the spirit of community/private partnerships has provided the department with increased awareness to explore similar opportunities for other programs; and

WHEREAS, Chesterfield County greatly appreciates this donation and is looking forward to continuing a strong relationship with Comcast Cablevision.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of September 2004, publicly recognizes Comcast Cablevision and management for its generous contribution toward the 2004 "Chesterfield Celebrates" campaign.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Comcast Cablevision and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. King presented the executed resolution to Mr. Dye, accompanied by Ms. Smith-Callaghan and Mr. David Caras, Senior Recreation Specialist, and expressed appreciation for Comcast's generous donation.

Mr. Dye stated Comcast is very appreciative of its long-term relationship with Chesterfield County and will continue to find ways to partner with the county to serve the citizens.

5.C. RECOGNIZING LIEUTENANT RICHARD W. COFFEY, CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT

Battalion Chief Mike Hatton introduced Lieutenant Richard Coffey who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Lieutenant Richard W. Coffey retired from the Fire and Emergency Medical Services Department, Chesterfield County, on May 1, 2004; and

WHEREAS, Lieutenant Coffey attended Recruit School #8 in 1977 and faithfully served the county for over 33 years in various assignments as a Volunteer Firefighter at the Midlothian Volunteer Fire Department; as a Career Firefighter at the Manchester and Bon Air Fire and EMS Stations; as a Training Officer in the Training and Safety Division; as a Company Officer at the Manchester, Bon Air and Midlothian Fire and EMS Stations; as an Assistant Fire Marshal in the Fire and Life Safety Division, Inspections and Investigations Section; and as the Burn Coordinator; and

WHEREAS, Lieutenant Coffey was recognized in December 1996 with a Certificate of Recognition for exemplary service on the Critical Incident Stress Management Team, presented by the Chesterfield Community Services Board; and

WHEREAS, Lieutenant Coffey and other members of the Fire Prevention Bureau were recognized in October 1995 with a Unit Citation for their performance at the Old Buckingham Apartment Fire; and

WHEREAS, Lieutenant Coffey was recognized in November 1993 with an Emergency Medical Services Award for his role in saving the life of a citizen and also recognized in December 1978 with a Letter of Commendation for his role in saving the life of a citizen; and

WHEREAS, Lieutenant Coffey has served as President of the Virginia Chapter of the International Association of Arson Investigators and as President of the Central Virginia Fire and Arson Association.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of September 2004, publicly recognizes the contributions of Lieutenant Richard W. Coffey, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Lieutenant Coffey and that this resolution be permanently recorded among the papers of the Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Barber presented the executed resolution to Mr. Coffey, accompanied by members of his family and Chief Hatton, congratulated him upon his retirement and thanked him for his community support.

Mr. Ramsey presented a Jefferson Cup to Mr. Coffey and offered him best wishes in his retirement.

Mr. Coffey expressed appreciation to the Board for its support following the Old Buckingham Apartment fire and stated he has enjoyed working for the county.

5.D. RECOGNIZING SEPTEMBER 2004, AS "NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH" IN CHESTERFIELD COUNTY

Mr. Braunstein introduced Ms. Betty Savage, Ms. Nikki Houck, and Mr. Ned Snead, Manager of Substance Abuse Services, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, in 2002 9.3 percent of all Virginians age 12 or older reported past year dependence or abuse of illicit drugs or alcohol; and

WHEREAS, only 10.3 percent of Americans age 12 or older who needed treatment for an alcohol or drug use disorder actually received treatment; and

WHEREAS, denial and stigma associated with alcohol and drug use disorders continue to keep people out of treatment; and

WHEREAS, barriers to accessing treatment facilities are a significant problem for people with alcohol or drug use disorders; and

WHEREAS, such barriers include failures to identify affected people and direct them to treatment, inadequate public and private insurance coverage for treatment services, and shrinking state budgets that limit funding for treatment programs; and

WHEREAS, saluting people who are in recovery from alcohol and drug use disorders, as well as those who have helped them obtain treatment, helps to overcome barriers by educating the community about the benefits of treatment, and affirming the goal that all people with alcohol and drug use disorders should have access to treatment services; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the Office of National Drug Control Policy, and Chesterfield's Community Services Board, Substance Abuse Services program that collaborates with the Office Community Corrections, Departments of Health and Social Services and Adult and Juvenile Drug Courts invite all residents of Chesterfield to participate in "National Alcohol and Drug Addiction Recovery Month" (Recovery Month).

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of September 2004, publicly recognizes the month of September 2004, as "National Alcohol and Drug Addiction Recovery Month" in Chesterfield County, Virginia and calls upon the citizens of Chesterfield to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "Join the Voices for Recovery . . . Now!"

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to the Chesterfield Community Services Board and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Ms. Savage, accompanied by Ms. Houck, Mr. Snead, and Mr. Braunstein, and

expressed appreciation to the agencies and individuals who provide drug and alcohol treatment services.

Ms. Savage expressed appreciation to the Board for their support of the recovery community.

6. WORK SESSION

O PROPOSED 2005 LEGISLATIVE PROGRAM

Ms. Curtin presented a summary of the county's proposed 2005 legislative program. She reviewed proposed legislative priorities, including supporting VML/VACo and other local government efforts to correct adverse effects on local tax collections arising from 2004 changes to the Personal Property Tax Relief Act; protecting current cash proffer authority; and protecting local government land use and zoning authority. She then reviewed proposed legislative requests from staff, including amending the statutes for Community Development Authorities (CDA) to remove/reduce parcel size limitations, remove \$3 million bond limitation on counties, and allow CDA funds to be used for land acquisition; amending Section 33.1-23.4 of the Code of Virginia to allow counties, if they choose, to administer their secondary road construction funds; amending Section 33.1-12a of the Code of Virginia to increase from \$2 million to \$10 million the maximum contract amounts which the Commonwealth Transportation Commissioner is allowed to delegate to localities; and adopting new statutes providing for more positive operation of local group homes.

Mr. Miller expressed numerous concerns about group homes, including "packing" of neighborhoods with group homes, qualifications for living in group homes, and operation/supervision of group homes. He stated he is very frustrated that the county can do nothing to address complaints from citizens about group homes, indicating that he believes the Board should immediately request a study by the General Assembly regarding the effects of group homes to determine what areas can be improved to the extent of the state's authority.

Mr. Warren stated he, too, would support a study of group homes by the General Assembly. He further stated he recently attended a meeting regarding a particular group home and both Senator Martin and Delegate Nixon were present.

Mrs. Humphrey expressed concerns that federal legislation allows group homes to be treated at the local level like single-family residences and stated she would support a study of group homes by the General Assembly.

Mr. Warren expressed concerns that, of the 130 licensed group homes in the state, 40 are located in Chesterfield County.

Mr. Miller expressed concerns that only 24 of all the residents in the 40 group homes are citizens of the county. He suggested that the group home study be moved to a legislative priority rather than a legislative request.

Ms. Curtin continued to review proposed legislative requests from staff, including creating a \$20,000 statutory death

benefit for state and local public employees who are killed from hostile action while serving on active military duty on foreign soil; and amending Section 58.1-3610 of the Code of Virginia to clarify that volunteer rescue squads who bill for service under revenue recovery programs retain the local property tax exemption. She then reviewed proposed support items, including extension of existing Enterprise Zone Authority; the Virginia Metropolitan Circuit Court Clerks' Association request to remove statutory sanctions against clerks' offices which are unable to process certain transactions within prescribed time frames; and the Virginia Metropolitan Circuit Court Clerks' Association in efforts to create a processing fee of approximately \$5.00 on the filing of land record transactions.

Mr. Barber stated it might be more efficient to concentrate on more generic legislative requests rather than legislation specific to the county because of the ability to build partnerships with other jurisdictions on the issues.

Mr. Warren stated he believes it is critical for the county to stay in tune with what other high growth counties and cities are proposing because strength is in numbers, noting that VACo is very concerned about the issue of growth.

Mr. Miller recognized Senator John Watkins who was present at the meeting.

Mr. Barber excused himself from the meeting to attend another meeting.

7. DEFERRED ITEMS

O ADOPTION OF A RESIDENTIAL CONNECTIVITY POLICY TO ESTABLISH STANDARDS FOR ACCESS TO AND BETWEEN SUBDIVISIONS

Mr. Turner stated the Board has considered the residential connectivity policy in the past and expressed concerns relative to when connections between subdivisions should be waived. He further stated staff has determined there is no quantifiable criteria that would apply in every instance to determine when subdivision connections should be waived. He stated staff has concluded that there will be circumstances in individual cases where it will make sense for the Board to waive connectivity as the merits of the case are judged; therefore, language has been included in the policy giving the Board and Planning Commission discretion to waive connectivity. He further stated, at Mr. Barber's suggestion, the waiver must be made by separate motion from the action under consideration in the zoning case. He stated the Planning Commission recommends adoption of the policy, indicating that no concerns have been expressed by members of the development community. He further stated a member of the Task Force for Responsible Growth expressed concerns relative to the Board creating short-cuts that would encourage people to leave major arterials and travel through neighborhoods. He further stated staff recommends adoption of the policy.

When asked, Mr. Turner stated, in the past, staff has encouraged connectivity but there has been no mandate for it. He further stated the proposed policy would mandate connection being made unless it caused an undue concentration

of traffic, the traffic on the subdivision street exceeded 1,500 vehicles per day, or there were topographical reasons why the connection should not be made.

In response to a scenario provided by Mr. Miller regarding placing 200 homes on an undeveloped parcel of land adjacent to an existing subdivision with less than 50 homes, Mr. Turner stated the Board could judge this case on its own merits and grant relief for connectivity by separate motion if they chose to do so.

Mr. Warren stated the policy would place the burden on the Planning Commission and Board of Supervisors to waive staff's recommendation for connectivity. He expressed concerns that the Planning Commission provided a recommendation for approval of this policy over a year ago when two of the current Planning Commissioners were not members. He stated he believes the public should have an opportunity to address the issue because it could impact the future of existing neighborhoods.

Mrs. Humphrey stated citizens have an opportunity to address road connections and how they will impact existing neighborhoods during public hearings for individual zoning cases.

After further discussion, Mr. Warren made a motion, seconded by Mr. King, for the Board to set the date of November 23, 2004 at 7:00 p.m. for a public hearing to consider the residential connectivity policy to establish standards for access to and between subdivisions.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8. NEW BUSINESS

8.A. REVIEW OF AN EMERGENCY ACCESS POLICY

Mr. Turner stated staff was directed to prepare a policy that would set guidelines for the development of emergency accesses. He further stated the policy would require a developer to construct one lane of a public road that would be gated as an emergency access only. He stated the development community has expressed concerns regarding placing the maintenance obligation for emergency accesses on homeowners associations; therefore, staff revised the policy to require Parks and Recreation staff to maintain emergency accesses, with developers providing the county with maintenance funds based on length of the access. He further stated the development community believes it is unfair to be required to build emergency accesses and also pay the county to maintain them. He stated staff believes the accesses have a tremendous potential to be nuisances in neighborhoods and is therefore recommending that the Board not adopt the Emergency Access Policy, but require developers to build second accesses to public road standards, when needed, and let the Virginia Department of Transportation maintain them.

When asked, Mr. Turner stated the policy would give the Board the option to allow for emergency accesses in lieu of constructing a second public road.

After brief discussion, Mrs. Humphrey made a motion, seconded by Mr. King, for the Board to not adopt the Emergency Access Policy, but continue to require a second public access as appropriate.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.B. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Community Criminal Justice Board, Richmond Metropolitan Authority, Virginia's Gateway Region Board and Youth Services Citizen Board.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.B.1. COMMUNITY CRIMINAL JUSTICE BOARD

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board simultaneously nominated/appointed Mr. Lee Covell to serve on the Community Criminal Justice Board, whose term is effective July 1, 2004 and expires June 30, 2006.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.B.2. RICHMOND METROPOLITAN AUTHORITY BOARD OF DIRECTORS

On motion of Mr. Warren, seconded by Mr. King, the Board simultaneously nominated/reappointed Mr. Charles Foster to serve on the Richmond Metropolitan Authority Board of Directors, whose term is effective October 1, 2004 and expires September 30, 2008.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.B.3. VIRGINIA'S GATEWAY REGION BOARD

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed/reappointed Mr. Gary Thomson, Mr. R. M. "Dickie" King, Jr. and Mr. Bob Walker to serve on Virginia's Gateway Region Board, whose terms are effective September 30, 2004 and expire September 30, 2005.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.B.4. YOUTH SERVICES CITIZEN BOARD

On motion of Mr. Warren, seconded by Mr. King, the Board simultaneously nominated/appointed Ms. Penny Gilliland, adult member representing the Clover Hill District, to serve on the Youth Services Citizen Board, whose term is effective immediately and expires June 30, 2007.

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C. CONSENT ITEMS

8.C.1. ADOPTION OF RESOLUTIONS

8.C.1.a. RECOGNIZING OCTOBER 3-9, 2004, AS "PARALEGALS WEEK" IN CHESTERFIELD COUNTY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the United States of America is a nation of laws; and

WHEREAS, our legal system depends not only on attorneys and judges, but also on legal assistants and paralegals who provide skilled and essential professional services to licensed attorneys and to local governments throughout the Commonwealth of Virginia and the nation; and

WHEREAS, becoming a legal assistant or paralegal is a commitment that requires dedication and specialized training; and

WHEREAS, the Virginia Alliance of Paralegal Associations (VAPA) issues educational standards and professional guidelines for legal assistants; and

WHEREAS, research and administrative work are important components of the work performed by legal assistants and paralegals to assist attorneys; and

WHEREAS, VAPA proudly sponsors educational programs, professional seminars and forums to hone the skills of legal assistants and paralegals; and

WHEREAS, VAPA encourages adherence to rigorous professional standards that guide the ethics and professionalism of its members; and

WHEREAS, the Commonwealth of Virginia and the nation are well-served by VAPA and its members; and

WHEREAS, this Board of Supervisors recognizes the value of these professionals to the orderly and efficient operation of Chesterfield County's government; and

WHEREAS, it is appropriate to share in Governor Mark Warner's recognition of October 3-9, 2004, as "Paralegals' Week."

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of legal assistants and paralegals in Chesterfield County and throughout the Commonwealth of Virginia and the nation, extends its appreciation to these dedicated professionals during "Paralegals Week," and wishes all who share in this proud professional field continued success and much gratitude on this occasion.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.1.b. RECOGNIZING SEPTEMBER 27, 2004, AS "FAMILY DAY" IN CHESTERFIELD COUNTY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the observance of "Family Day - A Day to Eat Dinner with Your Children" provides a unique opportunity for families in Chesterfield County to join one another at the dinner table as a means of strengthening family relationships; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, surveys conducted by the National Center on Addiction and Substance Abuse have consistently found that children and teenagers who routinely eat dinner with their families are far less likely to use cigarettes, alcohol and illegal drugs; and

WHEREAS, meal times offer opportunities for families to spend time together, providing a basic structure that strengthens and encourages lasting relationships; and

WHEREAS, young people from families who almost never eat dinner together compared to those that do are 72 percent more likely to use cigarettes, alcohol and illegal drugs; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS, Chesterfield County Youth Planning and Development and SAFE, Chesterfield's substance abuse prevention coalition, are promoting the importance of family dinners to parents in Chesterfield County, Virginia; and

WHEREAS, the Chesterfield County Board of Supervisors recognizes that eating dinner as a family is an important step toward raising drug-free children.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Monday, September 27, 2004, as "Family Day - A Day to Eat Dinner With Your Children," to recognize the positive impact of strong family interaction on the well being and future success of the young people in Chesterfield County.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.1.c. RECOGNIZING CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES CUSTOMER ASSISTANCE AFTER RESPONSE TO EMERGENCIES "CARES" PROGRAM

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Chesterfield Fire and Emergency Medical Services Customer Assistance After Response to Emergencies (CARES) program is a vital public service designed so that first responders may provide victims of emergency incidents with the resources to get them through the first hours after loss; and

WHEREAS, help is provided by supplying basic needs during the first hours after an emergency by assisting the family with food, lodging, groceries, clothing, furniture and other personal needs at selected locations; and

WHEREAS, the CARES program has empowered members of Chesterfield Fire and Emergency Medical Services to "do the right thing" by meeting the basic family needs for victims following an emergency; and

WHEREAS, Chesterfield Fire and Emergency Medical Services, along with Holiday Inn, Applebee's, Ukrops, Walmart, New Life Outreach Thrift Store and the American Red Cross, has partnered together to provide necessary services to ensure families are safe and secure after an incident; and

WHEREAS, there is no charge for this service when assisting Chesterfield County's citizens during turbulent times that may occur during an emergency situation.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes the Chesterfield Fire and Emergency Medical Services Customer Assistance After Response to Emergencies "CARES" program and expresses appreciation for the valuable services provided through this community partnership.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.1.d. RECOGNIZING THE EXTRAORDINARY CONTRIBUTIONS OF MR. OLIVER WHITE HILL, SR.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Mr. Oliver White Hill, Sr. was born in Richmond, Virginia on May 1, 1907; and

WHEREAS, his biological father, William Henry White, Jr. had roots in Chester, Virginia; and

WHEREAS, Mr. Hill's grandfather, William Henry White, Sr. is listed in the 1870 census as being a resident of Chester, Virginia; and

WHEREAS, while attending Howard University, Mr. Hill inherited his uncle's law books and decided to become an attorney and dedicate himself to ending the practice of legalized segregation in the Commonwealth of Virginia and the United States; and

WHEREAS, Mr. Hill graduated second in his class from Howard Law School in 1933; and

WHEREAS, Mr. Hill litigated numerous civil rights cases, defending the rights of African-Americans in cases involving jury duty, desegregation of public transit systems, the desegregation of public assembly and recreational areas and other landmark cases; and

WHEREAS, Mr. Hill headed the National Association of Colored People (NAACP) for 20 years, leading a team of 13 lawyers who filed more civil rights cases than were filed in any other southern state; and

WHEREAS, Mr. Hill's most famous case, Davis v. Prince Edward County Schools, became part of the landmark Brown v. Board of Education decision; and

WHEREAS, Mr. Hill practiced law until reaching the age of 91, having practiced for nearly 60 years; and

WHEREAS, Mr. Hill is a monumental historical figure in the battle for civil rights.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the extraordinary contributions of Mr. Oliver White Hill, Sr. to the Commonwealth of Virginia and the United States of America, thanks him for sharing his keen intellect, legal knowledge and moral guidance, and expresses, on behalf of all Chesterfield County residents, its appreciation for his tireless efforts to ensure that all Americans receive the same protections under the law, as spelled out in the nation's creed of, "All men are created equal," as expressed in the Declaration of Independence; and that this Board of Supervisors wishes Mr. Hill all the good fortune and blessings he so richly deserves.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

**8.C.1.e. NAMING THE AIRPORT OBSERVATION DECK AFTER
LIEUTENANT COLONEL HOWARD L. BAUGH, UNITED STATES
AIR FORCE (RETIRED)**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Lieutenant Colonel Howard L. Baugh was born in Petersburg, Virginia, graduated from Virginia State College in 1941, and has returned to Chesterfield County in retirement; and

WHEREAS, Lieutenant Colonel Baugh entered the Army Air Corps as an aviation cadet in March of 1942, and was assigned in 1944 to the squadron now known as the Tuskegee Airmen in Tuskegee, Alabama; and

WHEREAS, Lieutenant Colonel Baugh and the Tuskegee Airmen broke the color barrier in the Army Air Corps and established a record of success as a fighter squadron in Europe which was second to none; and

WHEREAS, Lieutenant Colonel Baugh flew 135 fighter combat missions in P-40's and P-51's, amassed almost 6,000 pilot hours in more than 15 different types of planes to include more than 1,100 hours in four types of jet aircraft; and

WHEREAS, Lieutenant Colonel Baugh never lost a bomber he was assigned to escort over the battlefields of Europe; and

WHEREAS, Lieutenant Colonel Baugh has been awarded the Distinguished Flying Cross, the Air Medal with three Oak Leaf Clusters, the Air Force Commendation Medal, the Air Force Outstanding Unit Award, and multiple theater and campaign medals; and

WHEREAS, in June of 2004, the French Government presented him with their highest and most prestigious military award, the French Legion of Honor, for his service in protecting Europe during World War II; and

WHEREAS, Lieutenant Colonel Baugh retired from active military service in the United States Air Force on June 30, 1967 as a Lieutenant Colonel.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Lieutenant Colonel Howard L. Baugh, (Retired), and expresses its sincere gratitude and appreciation for his service to his country.

AND, BE IT FURTHER RESOLVED, that the observation deck at Chesterfield County Airport be forever known as the Lieutenant Colonel Howard L. Baugh Observation Deck.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Lieutenant Colonel Howard L. Baugh and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.1.f. SUPPORTING THE EAST COAST GREENWAY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, one of Chesterfield County's eight strategic goals is "To be responsible protectors of the environment"; and

WHEREAS, the Committee on the Future has suggested that "Green Infrastructure" be a focal point for Chesterfield County's future planning efforts; and

WHEREAS, the East Coast Greenway is a 2,600 mile-long multi-use trail serving walkers, bicyclists, equestrians, the physically challenged and other non-motorized users; and

WHEREAS, this trail is considered to be the urban equivalent of the Appalachian Trail, stretching from Maine to Florida; and

WHEREAS, when completed, this pathway will link East Coast cities, towns and villages and increase transportation options while improving air quality, reducing roadway congestion and encouraging ecotourism; and

WHEREAS, volunteers and local agencies in numerous states are now working on the route, and more than 20 percent of the East Coast Greenway is currently in use, while another 40 percent is in various stages of development; and

WHEREAS, part of this innovative project will run through Chesterfield County; and

WHEREAS, efforts are being made to complete the East Coast Greenway in Virginia in time for the 400th anniversary of Jamestown; and

WHEREAS, Chesterfield County's own historic ties to the 17th-century English settlers and to the Native Americans who greeted them at the Citie of Henricus will attract many visitors who will use the East Coast Greenway.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of September 2004, expresses its support for the East Coast Greenway, commends architects of this idea for their visionary approach to linking American communities in this environmentally friendly manner, and invites all those who travel the East Coast Greenway to visit Chesterfield County, a FIRST CHOICE community that has attracted visitors since 1611.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.1.g. REQUESTING CHANGES IN SECONDARY SYSTEM OF STATE HIGHWAYS, GENITO ROAD AND WARBRO ROAD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Virginia Department of Transportation has provided the Board of Supervisors with a sketch dated MARCH 18, 2004, depicting the abandonments and additions required in the secondary system of state highways as a result of Project 0604-020-158, C-504 which sketch is hereby incorporated herein by reference; and

WHEREAS, new roads serve the same citizens as those portions of old roads identified to be abandoned and those segments no longer serve a public need; and

WHEREAS, pursuant to Section 33.1-163, Code of Virginia, 1950, as amended, the abandonment shall be subject to the rights of owners of any public utility installations which have been previously erected therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby abandon as a part of the secondary system of state highways those portions of roads identified by the sketch to be abandoned, pursuant to Section 33.1-155, Code of Virginia, 1950, as amended.

AND, BE IT FURTHER RESOLVED, the Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of roads identified by the sketch to be added, pursuant to Section 33.1-229, Code of Virginia, 1950, as amended.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation; and,

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby request that the Commonwealth Transportation Commissioner certify, in writing, that the portions of roads hereby abandoned are no longer deemed necessary for uses of the secondary system of state highways pursuant to Section 33.1-154 of the Code of Virginia, 1950, as amended.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.1.h. RECOGNIZING AIM-USA FOR A DONATION TOWARDS THE 2004 "CHESTERFIELD CELEBRATES" CAMPAIGN

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Chesterfield County Parks and Recreation Department provides wholesome, family activities for the enjoyment of county residents; and

WHEREAS, the annual Fourth of July Celebration and Parade of Lights are among the free events that offer entertainment to citizens of all ages; and

WHEREAS, AIM-USA graciously provided a generous donation to be used by the Parks and Recreation Department towards the 2004 "Chesterfield Celebrates" campaign; and

WHEREAS, this donation aided in the enhancement of the special events funded through this campaign; and

WHEREAS, AIM-USA has given back to the community through sponsorship of these special county events; and

WHEREAS, through the cooperative efforts of Mr. Jim Johnson and Mrs. Susan Johnson, the spirit of community/private partnerships has provided the department

with increased awareness to explore similar opportunities for other programs; and

WHEREAS, Chesterfield County greatly appreciates this donation and is looking forward to continuing a strong relationship with AIM-USA.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of September 2004, publicly recognizes AIM-USA for its generous contribution toward the 2004 "Chesterfield Celebrates" campaign.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to AIM-USA and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.2. ACCEPTANCE OF A DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AND APPROPRIATION OF FUNDS FOR THE CREATION OF A LOCAL PROBATION/CASE MANAGER POSITION

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted and appropriated a Department of Criminal Justice Services (DCJS) Probation Funding Grant, in the amount of \$31,875, and created a new probation officer/case manager position. (It is noted the local match of \$3,217 has been identified as the intervention fees collected from additional offenders supervised as a result of the grant.)

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.3. STATE ROAD ACCEPTANCE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Stony Glen South Sec 3**

● **Claybon Lane, State Route Number: 5669**

From: 0.04 Mi. E of Woodleigh Dr., (Rt. 5668)

To: Claybon Tr., (Rt. 5769), a distance of: 0.03 miles.

Right-of-way record was filed on 4/18/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg.46, with a width of 50 Ft.

● **Claybon Lane, State Route Number: 5669**

From: Claybon Tr., (Rt.5769)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 4/18/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg.46, with a width of 50 Ft.

● **Claybon Terrace, State Route Number: 5769**

From: Claybon Ln., (Rt. 5669)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 4/18/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg.46, with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Allerdice @ The Highlands**

● **Allerdice Terrace, State Route Number: 5762**

From: Eastfair Dr., (Rt. 5186)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50 Ft.

● **Eastfair Drive, State Route Number: 5186**

From: 0.05 Mi. S of Lyndenwood Dr., (Rt. 5684)

To: Macandrew Dr., (Rt. 5760), a distance of: 0.30 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50-90 Ft.

● **Eastfair Drive, State Route Number: 5186**

From: Macandrew Dr., (Rt. 5760)

To: Allerdice Tr., (Rt. 5762), a distance of: 0.28 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50-90 Ft.

● **Glamis Court, State Route Number: 5763**

From: Macandrew Ln., (Rt. 5685)

To: Cul-de-sac, a distance of: 0.14 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50 Ft.

● **Macandrew Drive, State Route Number: 5760**

From: Eastfair Dr., (Rt. 5186)

To: Macandrew Tr., (Rt. 5761), a distance of: 0.09 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50 Ft.

● **Macandrew Lane, State Route Number: 5685**

From: Macandrew Tr., (Rt. 5761)

To: End of maintenance, a distance of: 0.06 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50 Ft.

● **Macandrew Lane, State Route Number: 5685**

From: Macandrew Tr., (Rt. 5761)

To: Glamis Ct., (Rt. 5763), a distance of: 0.10 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50 Ft.

● **Macandrew Lane, State Route Number: 5685**

From: Glamis Ct., (Rt. 5763)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50 Ft.

● **Macandrew Terrace, State Route Number: 5761**

From: Macandrew Dr., (Rt. 5760)

To: Cul-de-sac, a distance of: 0.17 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50 Ft.

● **Macandrew Terrace, State Route Number: 5761**

From: Macandrew Dr., (Rt. 5760)

To: Macandrew Ln., (Rt. 5685), a distance of: 0.05 miles.

Right-of-way record was filed on 3/31/2003 with the Office Of Clerk To Circuit Court in Pb. 133 Pg. 1, with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Black Isle @ The Highlands**

● **Black Isle Court, State Route Number: 5768**

From: Black Isle Way., (Rt. 5767)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 8/15/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 58, with a width of 50 Ft.

● **Black Isle Way, State Route Number: 5767**

From: Eastfair Dr., (Rt. 5186)

To: Black Isle Ct., (Rt. 5768), a distance of: 0.13 miles.

Right-of-way record was filed on 8/15/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 58,
with a width of 50 Ft.

● **Black Isle Way, State Route Number: 5767**

From: Black Isle Ct., (Rt. 5768)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 8/15/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 58,
with a width of 50 Ft.

● **Braidstone Lane, State Route Number: 5765**

From: Eastfair Dr., (Rt. 5186)

To: Braidstone Tr., (Rt. 5766), a distance of: 0.05 miles.

Right-of-way record was filed on 8/15/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 58,
with a width of 50 Ft.

● **Braidstone Lane, State Route Number: 5765**

From: Braidstone Tr., (Rt. 5766)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 8/15/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 58,
with a width of 50 Ft.

● **Braidstone Terrace, State Route Number: 5766**

From: Braidstone Ln., (Rt. 5765)

To: Cul-de-sac, a distance of: 0.19 miles.

Right-of-way record was filed on 8/15/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 58,
with a width of 50 Ft.

● **Lyndenwood Court, State Route Number: 5764**

From: Eastfair Dr., (Rt. 5186)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 8/15/2002 with the Office Of Clerk To Circuit Court in Pb. 128 Pg. 58,
with a width of 50 Ft.

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

**8.C.4. REFER TO PLANNING COMMISSION FOR CONSIDERATION OF
PROPOSED CHANGES TO THE SUBDIVISION ORDINANCE**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board referred to the Planning Commission a proposed amendment to Sections 17-73 and 17-76 of the Subdivision Ordinance to require a three-layer pavement design in lieu of the current

design; to change the 50 percent requirement for paving to 60 percent; and to change the 80 percent requirement for state road acceptance to 90 percent.

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.5. AWARD OF CONSTRUCTION CONTRACT TO PERKINSON CONSTRUCTION, L.L.C. FOR THE PECK AND EPIC ROAD WATER LINE REHABILITATION PROJECT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board awarded a construction contract in the amount of \$110,365.02 to Perkinson Construction, L.L.C. for county project number 03-0030, Peck Road and Epic Road Water Line Rehabilitation, and authorized the County Administrator to execute the necessary documents.

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.6. REQUESTS FOR PERMISSION

8.C.6.a. FROM BEERS AND WHITE, INCORPORATED FOR A PROPOSED GRAVEL DRIVEWAY TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 1, SECOND BRANCH, SECTION 2, RESUBDIVISION OF LOTS 10 AND 11

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Beers and White, Incorporated for permission for a proposed gravel driveway to encroach within a 16-foot drainage easement across Lot 1, Second Branch, Section 2, Resubdivision of Lots 10 and 11, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.6.b. FROM AMBERLEIGH, LLC TO INSTALL PRIVATE SEWER AND WATER SERVICES WITHIN PRIVATE EASEMENTS TO SERVE TOWNHOUSES IN AMBERLEIGH, SECTION 2

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Amberleigh, LLC for permission to install private sewer and water services within private easements to serve townhouses in Amberleigh, Section 2, and authorized the County Administrator to execute the sewer and water connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.6.c. FROM THE TRUSTEES OF THE CLOVERHILL CONGREGATION OF JEHOVAH'S WITNESSES FOR A PROPOSED SEWER LINE TO ENCROACH WITHIN AN OPEN SPACE EASEMENT ACROSS PROPERTY ON COURTHOUSE ROAD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from the Trustees of the Cloverhill Congregation of Jehovah's Witnesses for permission for a proposed sewer line to encroach within an open space easement across property at 5600 Courthouse Road, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.6.d. FROM MACK D. AND PENNY M. GILLILAND TO INSTALL A PRIVATE SEWER SERVICE TO SERVE PROPERTY ON HULL STREET ROAD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Mack D. Gilliland and Penny M. Gilliland for permission to install a private sewer service to serve property at 11530 Hull Street Road, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.6.e. FROM LOUETTA R. HAMILTON FOR A GRAVEL DRIVEWAY TO ENCROACH WITHIN A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS SUNSET BOULEVARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Louetta R. Hamilton for permission for a gravel driveway to encroach within a 50-foot unimproved right of way known as Sunset Boulevard, subject to the execution of a license agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.6.f. FROM WINIFRED G. ROGERS, TRUSTEE FOR AN EXISTING ASPHALT DRIVEWAY TO ENCROACH WITHIN A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS APPLEWOOD LANE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Winifred G. Rogers, Trustee, for permission for an existing asphalt driveway to encroach within a 50-foot unimproved right of way known as Applewood Lane, subject to the execution of a license agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.6.g. FROM BOBBIE TURNER TAYLOR TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON WEST STREET

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Bobbie Turner Taylor for permission to install a sewer service within a private easement to serve property at 3810 West Street, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.7. REQUEST TO QUITCLAIM PORTIONS OF A VARIABLE WIDTH WATER EASEMENT AND SIXTEEN-FOOT AND VARIABLE WIDTH SEWER EASEMENTS ACROSS THE PROPERTY OF CHESTER VILLAGE APARTMENTS, L.P.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate portions of a variable width water easement and 16-foot and variable width sewer easements across the property of Chester Village Apartments, L.P. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.8. CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY FOR UNDERGROUND CABLE TO SERVE THE NEW ADDITION TO CHESTERFIELD TECHNICAL CENTER

On motion of Mrs. Humphrey, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to serve the new addition to Chesterfield Technical Center. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.9. ACCEPTANCE OF PARCELS OF LAND

8.C.9.a. ALONG THE WEST RIGHT OF WAY LINE OF JEFFERSON DAVIS HIGHWAY FROM ROUNTREE PONTIAC-GMC TRUCK, INCORPORATED

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.71 acres along the west right of way line of Jefferson Davis

Highway (US Route 1 and 301) from Rountree Pontiac-GMC Truck, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.9.b. ALONG SECOND BRANCH ROAD FROM SECOND BRANCH BAPTIST CHURCH

Mrs. Humphrey stated she is a member of Second Branch Baptist Church and has no financial interest in the parcels of land being conveyed. She further stated there is no legal conflict to preclude her from voting on this matter.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the conveyance of three parcels of land containing a total of 0.467 acres along Second Branch Road from Second Branch Baptist Church, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.10. APPROVAL OF LEASE OF PARKING LOT FROM TRUSTEES OF PRESBYTERY OF THE JAMES, INC.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the leasing of a parking lot from Trustees of Presbytery of the James, Inc. and authorized the County Administrator to execute the lease agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.11. DESIGNATION OF RIGHT OF WAY AND TURNAROUND EASEMENT AT ROBIOUS LANDING PARK

On motion of Mrs. Humphrey, seconded by Mr. King, the Board designated right of way and turnaround easement for a public access road from James River Road into Robious Landing Park and authorized the County Administrator to execute the declaration. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.12. APPROVAL OF UTILITY CONTRACT FOR FIVE FORKS VILLAGE SOUTH, SECTION 4

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the following utility contract for Five Forks Village South, Section 4, Contract Number 03-0253, which

includes the extension of 2,305 L.F. + of 16-inch oversized water lines:

Developer: Cascade Creek Homes, Inc.
Contractor: R. J. Smith Construction, Inc.
Contract Amount:
 Estimated County Cost for Oversizing. \$39,931.00
 Estimated Developer Cost. \$447,208.77
 Estimated Total \$487,139.77
Code: Refunds thru Connections - Oversizing 5B-572VO-E4C
District: Dale

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.13. REQUESTS FOR MUSIC/ENTERTAINMENT FESTIVAL PERMIT

8.C.13.a. FOR CHESTERFIELD BERRY FARM EVENT BETWEEN OCTOBER 2 THROUGH OCTOBER 30, 2004

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from Chesterfield Berry Farm for a music/entertainment festival permit between October 2 through October 30, 2004.

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.13.b. FOR THE CHESTERFIELD COUNTY AIRPORT FESTIVAL AND AIRSHOW ON OCTOBER 23 AND 24, 2004

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved a request from the Chesterfield County Airport for an entertainment festival permit for the Chesterfield County Airport Festival and Airshow on October 23 and 24, 2004.

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.14. SET PUBLIC HEARING DATES

8.C.14.a. TO CONSIDER FY2006 ENHANCEMENT PROJECTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of October 13, 2004 at 7:00 p.m. for a public hearing for the Board to consider FY2006 Enhancement Projects.

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

8.C.14.b. TO CONSIDER ADOPTION OF AN ORDINANCE AUTHORIZING MINORS SIXTEEN (16) YEARS AND OLDER TO VOLUNTEER TO SERVE IN VOLUNTEER FIRE DEPARTMENTS IN THE COUNTY

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of October 13, 2004 at 7:00 p.m. for a public hearing for the Board to consider an ordinance authorizing minors sixteen years and older to volunteer to serve in volunteer fire departments in the county.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.14.c. TO CONSIDER AMENDMENTS TO COUNTY CODE SECTION 9-132 REGARDING THE EXPENDITURE OF COURTHOUSE SECURITY FUNDS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of October 13, 2004 at 7:00 p.m. for a public hearing for the Board to consider amending Section 9-132 of the County Code regarding the expenditure of funds for courthouse security.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.14.d. TO CONSIDER AMENDMENTS TO THE COUNTY'S INOPERABLE MOTOR VEHICLE ORDINANCE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of October 13, 2004 at 7:00 p.m. for the Board to consider amending the county's inoperable motor vehicle ordinance.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.14.e. TO CONSIDER COMCAST'S PROPOSED RATE INCREASE FOR LIMITED BASIC CABLE SERVICE AND INSTALLATION AND EQUIPMENT RATES

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of October 13, 2004 at 7:00 p.m. for the Board to consider Comcast's proposed rate increase for limited basic cable service and installation and equipment rates.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.14.f. TO CONSIDER THE APPROPRIATION OF FEDERAL DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE FUNDS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of October 13, 2004 at 7:00 p.m. for the Board

to consider the appropriation of Federal Department of Homeland Security Urban Area Security Initiative funds.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.15. DESIGNATION OF THE APPLICANT'S PRIMARY AND SECONDARY AGENTS FOR PUBLIC ASSISTANCE

On motion of Mrs. Humphrey, seconded by Mr. King, the Board designated Mr. Lane Ramsey, County Administrator, as the applicant's primary agent, and Mr. Richard Cordle, County Treasurer, as the applicant's secondary agent for public assistance for Chesterfield County related to Tropical Storm Gaston and adopted the following resolution:

BE IT RESOLVED by the Board of Supervisors of Chesterfield County Virginia that Lane B. Ramsey, County Administrator, or Richard A. Cordle, County Treasurer, or Janet L. Clements, Governor's Authorized Representative are hereby authorized to execute for an in behalf of Chesterfield County, Virginia, a public entity established under the laws of the State of Virginia, this application; and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

THAT Chesterfield County, a public entity established under the laws of the State of Virginia, hereby authorizes its agents to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof (and filed with the papers of this Board).

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

8.C.16. STREET NAME APPROVAL

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved naming a recently dedicated right-of-way, "Nena Grove Lane."

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON THE DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE
FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT
FUNDS AND LEASE PURCHASES

10.C. REPORT OF ROADS ACCEPTED INTO THE STATE SECONDARY
SYSTEM

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>BAYHILL POINTE, SECTION 14</u> (Effective 7/23/2004)	
Hollow Oak Court (Route 5719) - From Hollow Oak Road (Route 5720) to cul-de-sac	0.09 Mi.
Hollow Oak Drive (Route 5597) - From 0.05 mile south of Sugar Hill Drive (Route 5593) to Hollow Oak Drive (Route 5720)	0.17 Mi.
Hollow Oak Road (Route 5720) - From Hollow Oak Drive (Route 5597) to 0.04 mile south of Hollow Oak Drive (Route 5597)	0.04 Mi.
Hollow Oak Road (Route 5720) - From Hollow Oak Terrace (Route 5718) and Hollow Oak Court (Route 5719) to Hollow Oak Drive (Route 5597)	0.23 Mi.
Hollow Oak Road (Route 5720) - From Battlecreek Drive (Route 5013) to Hollow Oak Terrace (Route 5718) and Hollow Oak Court (Route 5719)	0.04 Mi.
Hollow Oak Terrace (Route 5718) - From Hollow Oak Road (Route 5720) to cul-de-sac	0.07 Mi.
<u>EDGEWATER, SECTION 1</u> (Effective 7/16/2004)	
Shorewood Court (Route 5714) - From North Woolridge Road (Route 668) to Shorewood Place (Route 5715)	0.03 Mi.
Shorewood Court (Route 5714) - From Shorewood Place (Route 5715) to cul-de-sac	0.09 Mi.
Shorewood Place (Route 5717) - From Shorewood Court (Route 5714) to cul-de-sac	0.10 Mi.

GOVERNMENT CENTER PARKWAY AND MIMMS DRIVE
(Effective 7/23/2004)

Government Center Parkway (Route 4796) - From
0.15 mile south of Lucy Corr Boulevard (Route
4794) to Mimms Drive (Route 935) 0.22 Mi.

Government Center Parkway (Route 4796) - From
0.08 mile south of Lucy Corr Boulevard (Route
4794) to 0.15 mile south of Lucy Corr Boulevard
(Route 4794) 0.07 Mi.

Government Center Parkway (Route 4796) - From
Lucy Corr Boulevard (Route 4794) to 0.08 mile
south of Lucy Corr Boulevard (Route 4794) 0.08 Mi.

Mimms Drive (Route 935) - From 0.25 mile east of
Lori Road (Route 935) to Krause Road (Route 903) 0.05 Mi.

Mimms Drive (Route 935) - From 0.13 mile east of
Lori Road (Route 935) to Government Center
Parkway (Route 4796) Roundabout 0.03 Mi.

Mimms Drive (Route 935) - From 0.20 mile east of
Lori Road (Route 935) to 0.25 mile east of Lori
Road (Route 935) 0.05 Mi.

Mimms Drive (Roundabout) (Route 935) - From 0.16
mile east of Lori Road (Route 935) to 0.16 mile
east of Lori Road (Route 935) 0.08 Mi.

LENOX FOREST, SECTION 1
(Effective 7/23/2004)

Forest Creek Drive (Route 5736) - From Lenox
Forest Drive (Route 5733) to 0.04 mile south of
Lenox Forest Drive (Route 5733) 0.04 Mi.

Forest Creek Drive (Route 5736) - From Lenox
Forest Drive (Route 5733) to cul-de-sac 0.06 Mi.

Lenox Forest Court (Route 5735) - From Lenox
Forest Drive (Route 5733) to cul-de-sac 0.14 Mi.

Lenox Forest Drive (Route 5733) - From Lenox
Forest Court (Route 5735) to Forest Creek Drive
(Route 5736) 0.08 Mi.

Lenox Forest Drive (Route 5733) - From Planters
Walk Drive (Route 5734) to Lenox Forest Court
(Route 5735) 0.11 Mi.

Lenox Forest Drive (Route 5733) - From Robious
Road (Route 711) to Planters Walk Drive (Route
5734) 0.16 Mi.

Planters Walk Drive (Route 5734) - From Lenox
Forest Drive (Route 5733) to 0.08 mile south of
Lenox Forest Drive (Route 5733) 0.08 Mi.

MONTCLAIR, PHASE 2 (REMAINDER OF PHASE 1)
(Effective 7/23/2004)

Montshire Lane (Route 5706) - From Greyshire Drive (Route 5571) to Montshire Place (Route 5707) and Montshire Terrace (Route 5708) 0.26 Mi.

Montshire Place (Route 5707) - From Montshire Lane (Route 5706) to cul-de-sac 0.04 Mi.

Montshire Terrace (Route 5708) - From Montshire Lane (Route 5706) to cul-de-sac 0.10 Mi.

POLO PLACE AT BELGRADE PLANTATION
(Effective 7/23/2004)

Polo Place (Route 5751) - From Polo Parkway (Route 5400) to cul-de-sac 0.07 Mi.

WOODLAND POND, SECTION 13
(Effective 7/30/2004)

Taylor Landing Place (Route 5728) - From Taylor Landing Way (Route 5727) to cul-de-sac 0.06 Mi.

Taylor Landing Way (Route 5727) - From Woodland Pond Parkway (Route 3670) to Taylor Landing Place (Route 5728) 0.07 Mi.

Taylor Landing Way (Route 5727) - From Taylor Landing Place (Route 5728) to cul-de-sac 0.20 Mi.

WOODLAND POND, SECTION 14
(Effective 7/30/2004)

Banff Court (Route 5731) - From Park Branch Lane (Route 5729) to cul-de-sac 0.11 Mi.

Banff Terrace (Route 5732) - From Park Branch Lane (Route 5729) to cul-de-sac 0.13 Mi.

Park Branch Court (Route 5730) - From Park Branch Lane (Route 5729) to cul-de-sac 0.09 Mi.

Park Branch Lane (Route 5729) - From Intersection Banff Terrace (Route 5732) and Banff Court (Route 5731) to Park Branch Court (Route 5730) 0.28 Mi.

Park Branch Lane (Route 5729) - From Park Branch Court (Route 5730) to cul-de-sac 0.07 Mi.

Park Branch Lane (Route 5729) - From Woodland Pond Parkway (Route 3670) to Intersection Banff Terrace (Route 5732) and Banff Court (Route 5731) 0.16 Mi.

Ayes: Miller, Humphrey, King and Warren.
Nays: None.
Absent: Barber.

11. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(3), CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS THE ACQUISITION OF REAL ESTATE FOR A PUBLIC PURPOSE WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board went into Closed Session pursuant to Section 2.2-3711(A)(3), Code of Virginia, 1950, as amended, to discuss the acquisition of real estate for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

Mr. Barber returned to the meeting and entered the Closed Session.

Reconvening:

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.

Mr. King: Aye.

Mrs. Humphrey: Aye.

Mr. Barber: Aye.

Mr. Miller: Aye.

12. DINNER

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

13. INVOCATION

Dr. Doug Echols, Pastor of Enon Baptist Church gave the invocation.

14. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scout Kyle Patton led the Pledge of Allegiance to the flag of the United States of America.

15. RESOLUTIONS AND SPECIAL RECOGNITIONS

O RECOGNIZING BOY SCOUT KYLE PATTON UPON ATTAINING THE RANK OF EAGLE SCOUT

Mr. Hammer introduced Mr. Kyle Patton who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Kyle Wesley Patton, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Kyle has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of September 2004, publicly recognizes Mr. Kyle Wesley Patton, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Patton, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Patton expressed appreciation to members of his troop, his parents, God and his church for their support.

16. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 18

05SN0125

In Midlothian Magisterial District, CHARLES BURFORD requests a Manufactured Home Permit to park a manufactured home in a Residential (R-7) District and amendment of zoning district map. The density of this proposal is approximately two (2) units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01 to 2.5 units per acre. This property is known as 13939 Westfield Road. Tax ID 726-709-8466 (Sheet 5).

Mr. Turner presented a summary of Case 05SN0125 and stated staff recommends approval of the request for seven years subject to conditions.

The applicant was not present.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Barber stated the applicant Mr. Burford is not present because his wife passed away over the weekend.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved Case 05SN0125 subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home.
2. Manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.

3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0232

In Matoaca Magisterial District, DOUGLAS SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 242.3 acres fronting approximately 4,000 feet on the west line of Otterdale Road, approximately 1,500 feet south of Old Hundred Road. Tax ID 714-694-7687 (Sheet 9).

Mr. Turner stated the applicant has requested that the case be remanded to the Planning Commission.

Mr. Harley Joseph, representing the applicant, requested that the case be remanded to the Planning Commission.

Mr. Miller called for public comment.

No one came forward to speak to the remand request.

Mrs. Humphrey noted this case was filed after the Board's action to defer all new zoning applications that include residential uses filed after February 11, 2004 in the Upper Swift Creek Plan for one year.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to remand Case 04SN0232 to the Planning Commission with priority to return to the Board of Supervisors in February 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0226

In Dale Magisterial District, WINDSOR PROPERTIES requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.6 acres at the western terminus of Mistyhill Road. Tax ID 775-679-Part of 6282 (Sheet 17).

Mr. Turner stated the applicant has requested a deferral until October 27, 2004.

Mr. Andy Scherzer, representing the applicant, requested a deferral until October 27, 2004. He further stated, if Mr. Miller thinks more time is necessary to address wetlands issues on the subject property, the applicant is willing to defer the request for a longer period of time.

Mr. Miller requested that the case be deferred for 60 days.

Mr. Scherzer amended his request to defer the case until November 23, 2004.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. King, the Board deferred Case 04SN0226 until November 23, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0273

In Dale Magisterial District, KAHN PROPERTIES SOUTH LLC requests amendment to Conditional Use Planned Development (Case 97SN0165) and amendment of zoning district map relative to access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Neighborhood Business (C-2) District on 3.0 acres fronting approximately 385 feet on the east line of Iron Bridge Road, also fronting approximately 135 feet on the north line of Centralia Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-661-8240 and 773-661-0235 (Sheet 25).

Mr. Turner stated the applicant has requested a deferral until December 15, 2004.

Ms. Gloria Frye, representing the applicant, requested a deferral until December 15, 2004.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. King, the Board deferred Case 04SN0273 until December 15, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0298

In Dale Magisterial District, OMNIPOINT COMMUNICATIONS requests Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-7)

District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 0.2 acre and is known as 4901 Cogbill Road. Tax ID 778-683-Part of 5373 (Sheet 12).

Mr. Turner presented a summary of Case 04SN0298 and stated the Planning Commission and staff recommended approval subject to conditions and acceptance of the proffered conditions.

Mr. Richard Enoch, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mr. King, the Board approved Case 04SN0298 subject to the following conditions:

1. Any communications tower shall be co-located on a lighting structure for the athletic field. (P)
2. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
3. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted. (P)
4. Any building or mechanical equipment shall comply with Section 19-603 of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-603 would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. The tower shall not exceed a height of 125 feet. (P)
6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

And, further, the Board accepted the following proffered conditions:

1. The light switch for the athletic field shall be relocated to a position approved by the school officials. (P)
2. While the communications tower is under construction, all athletic field lights shall remain operational between the hours of 6:00 PM and 6:00 AM, except for those dates which may be approved by the Athletic Director. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0255 (Amended)

In Dale Magisterial District, R. C. WHEELER CONSTRUCTION CO. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 4.0 units per acre. This request lies on 1.2 acres fronting approximately 300 feet on the north line of Cascade Street north of Upp Street. Tax ID 777-688-9030 (Sheets 11 and 12).

Mr. Turner presented a summary of Case 04SN0255 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Richard Minter, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mr. Barber, the Board approved Case 04SN0255 and accepted the following proffered conditions:

1. Public water and wastewater systems shall be used. (U)
2. The applicant, subdivider or assignee(s) shall pay the following for dwelling units developed to the County of Chesterfield prior to the issuance of building permit infrastructure improvements within the service district for the property:
 - a. \$9,000 per dwelling unit, if paid prior to July 1, 2004; or
 - b. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
 - c. In the event the cash payment is not used for the purpose for which proffered within fifteen (15) years of receipt, the cash shall be returned in full to the payer. (B&M)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0301

In Dale Magisterial District, ROCKWOOD GOLF PARK requests amendment to Conditional Use Planned Development (Case 89SN0118) and amendment of zoning district map to permit additional outdoor recreational uses (paint ball activities). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in Agricultural (A) and Community Business (C-3) Districts on 0.2 acre and is known as 10211 Hull Street Road. Tax ID 748-684-Part of 6098 (Sheet 10).

Mr. Turner presented a summary of Case 04SN0301 and stated the Planning Commission and staff recommended approval subject to one condition.

Mr. Tom Mathews, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Miller made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 04SN0301 subject to conditions.

When asked, Mr. Mathews stated the paintball activities will be located at the rear of the property.

Mr. Miller called for a vote on his motion, seconded by Mrs. Humphrey, for the Board to approve Case 04SN0301 subject to the following condition:

In addition to those uses permitted by Case 89SN0118, paint ball facilities shall also be permitted within the limits of the subject property only. (P)

(Note: This condition modifies Condition 3 of Case 89SN0118 for the subject property only. Except as amended by this request, all previous conditions for Cases 89SN0118 and 01SN0188 shall remain in effect.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0309

In Clover Hill Magisterial District, YORKSHIRE LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 1.3 acres and is known as 8321 Elkhardt Road. Tax ID 758-700-3539 (Sheet 7).

Mr. Turner presented a summary of Case 04SN0309 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. King, the Board approved Case 04SN0309 and accepted the following proffered conditions:

1. Public wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
5. Prior to any site plan approval, thirty-five (35) feet of right of way on the south side of Elkhardt Road, measured from the centerline as approved by the Transportation Department, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. All dwelling units shall have a minimum gross floor area of 1800 square feet. (P)
7. There shall be no direct access from this property to Elkhardt Road. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0310

In Matoaca Magisterial District, FOX CREEK DEVELOPMENT, INC. requests Conditional Use and amendment of zoning district map to permit model homes plus amendment to rezoning (Case 04SN0116) for relief to public utility use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-12) District on 2.6 acres fronting approximately 300 feet on the south line of Woolridge Road approximately 1,600 feet west of Fox Club Road. Tax ID 712-676-Part of 4582 (Sheet 15).

Mr. Turner presented a summary of Case 04SN0310 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. George Bryant, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved Case 04SN0310 and accepted the following proffered conditions:

1. Temporary model homes (sales offices) shall be permitted in a maximum of four (4) modular office units provided such units shall be utilized for a maximum of twenty-eight (28) months from the date of approval of this request. At the end of the twenty-eight (28) months, the modular office units shall be removed. (P)
2. The model homes (sales offices) shall only be used to market the development (Fox Creek Subdivision) in which they are located and shall not be used for the sale of lots or houses outside of the development in which they are located. (P)
3. The model homes (sales offices) shall not be the primary real estate office for the companies marketing the development. (P)
4. The model homes (sales offices) shall be incidental to construction activity taking place within the development (Fox Creek Subdivision). (P)
5. With the exception of temporary modular sales offices, the public water and wastewater systems shall be used. (U)

(Note: This Proffered Condition supercedes Proffered Condition 2 of Case 04SN0116 for the request property only.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

05SN0135 (Amended)

In Midlothian Magisterial District, BALZER & ASSOC., INC. requests amendment to Conditional Use Planned Development (Case 91SN0172) and amendment of zoning district map to permit bulk exceptions in the Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 2.51 to 4.0 units per acre. This request is known as part of the Ridgemoor and Scotter Hills Developments which lie on the east and west lines of Grove Hill Road, south of Woolridge Road. Lots 28 and 34 of the Ridgemoor Development and Lots 45, 46, 61 through 64, 76 and 80 of the Scotter Hills Development (Sheets 5 and 6).

Mr. Turner presented a summary of Case 05SN0135 and noted the Planning Commission acknowledged withdrawal of all lots from the request with exception of Lots 28 and 34 of the Ridgemoor Development and Lots 45, 46, 61 through 64, 76 and 80 of the Scotter Hills Development. He stated the Planning Commission and staff recommend approval subject to one condition.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable. He further stated this case will resolve a mutual misunderstanding that occurred during the surveying process for certain lots. He noted there will be another case before the Board next month that will resolve the misunderstanding with the remaining lots.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. King, the Board approved Case 05SN0135 subject to the following condition:

For R-TH uses, the following bulk exceptions shall apply for development on the subject property:

1. Side yard. A side yard of not less than ten (10) feet in width shall be provided for each end residence in townhouse groups or rows having three (3) or more lots.
2. Corner side yard. A corner side yard of not less than ten (10) feet.
3. Rear yard. A rear yard of not less than nineteen (19) feet. (P)

(NOTE: This condition amends Item II of the Textual Statement for Case 91SN0172 for the subject property only. All other conditions of Case 91SN0172 shall remain in effect.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

04SN0257

In Bermuda Magisterial District, CHESTER DEVELOPMENT ASSOCIATES, L.C. requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-

3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 8.0 units per acre. This request lies on 7.9 acres fronting approximately 435 feet on the south line of De Laval Street and approximately eighty-five (85) feet on the north line of De Laval Street approximately 100 feet east of Womack Road, also fronting approximately 800 feet on the west line of De Laval Street approximately 1,060 feet north of Lee Street. Tax IDs 787-656-3321 and 4161 (Sheet 26).

Ms. Beverly Rogers presented a summary of Case 04SN0257 and stated staff recommended denial because the proposal fails to address transportation concerns, including the construction of a north-south arterial, and also does not adequately address the impact of the development on capital facilities. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the transportation proffer was similar to the transportation proffer offered on property to the south of Route 10 that deals with construction of the north-south arterial and that, based upon the proffers which address impacts on those units with more than two bedrooms, the cash proffer adequately addressed the impact on school services.

Ms. Kay Daniels, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

In response to Mr. King's question, Mr. McCracken stated the transportation proffers are consistent with the Henry Moore case south of Route 10.

Mr. King stated he believes the requirements for capital facility impacts for those units with more than two bedrooms addresses concerns regarding the impact of the proposed development on schools. He further stated, if the north-south arterial is constructed, the money that has been set aside by the developer will be activated. He stated he is satisfied that this case is consistent with the Moore case.

Mr. King then made a motion, seconded by Mr. Warren, for the Board to approve Case 04SN0257 and accept the following proffered conditions:

1. The request property shall be subject to the regulations as outlined for the Residential Neighborhood Tract in the proffered conditions, conditions and Textual Statement for Case 95SN0309. (P)
2. The developer shall pay to the county \$33,000 towards the construction of the North-South Arterial from the southern property line to the northern property line. Prior to recordation of any lots, the developer shall provide to the county a bond or other surety, in a form acceptable to the County Attorney and in an amount of \$33,000 to ensure such payment. At such time as construction of the North-South Arterial has been

completed to either the northern or southern property line, the developer shall provide \$33,000 payment to the county. After seven (7) years from the date that the county receives the bond or other surety, if construction of the North-South Arterial has not been completed to either the northern or southern property line, at the request of the developer, the county shall return the bond or other surety to the developer and the developer shall be relieved of the obligation to provide such payment. (T)

3. There shall be no direct access from the property to the North-South Arterial adjacent to the property. (T)
4. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - A. For all dwelling units initially constructed with more than 2 bedrooms:
 1. \$9,000 per dwelling unit, if paid prior to July 1, 2004; or
 2. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
 - B. For all dwelling units initially constructed with 2 or less bedrooms and for each dwelling unit designated for Elderly/Retirement Housing (as defined in case 95SN0309):
 1. \$4,815 per dwelling unit, if paid prior to July 1, 2004. At the time of payment the \$4,815 will be allocated to capital facilities categories as follows: Parks - \$598, Libraries - \$324, Fire Stations - \$346, Roads - \$3,547; or
 2. The amount approved by the Board of Supervisors not to exceed \$4,815 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004. Payments in excess of \$4,815 will be prorated as set forth above.
 - C. Building plans submitted for building permits shall designate the number of bedrooms in each dwelling unit.

In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

04SN0267

In Matoaca Magisterial District, RANDELL L. HODGES AND SUSAN L. HODGES request Conditional Use and amendment of zoning district map to permit stock farm use (keeping of horses). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 2.1 acres and is known as 14621 North Ivey Mill Road. Tax ID 735-631-2957 (Sheet 39).

Ms. Jane Peterson presented a summary of Case 04SN0267 and stated the Planning Commission and staff recommend approval subject to conditions.

Mr. Randell Hodges, accompanied by Mrs. Susan Hodges, stated the recommendation is acceptable. He further stated he believes the proposed facility has been designed to minimize its impact on adjoining neighbors.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey stated she received a telephone call from one neighbor expressing concerns regarding the proposed facility. She further stated the applicant is proposing a manure processing facility that will address some environmental concerns. She stated the applicant had requested that the conditional use permit be granted to run with the property.

When asked, Mr. Micas stated the Board could remove the condition that the conditional use not be transferable nor run with the land.

Mrs. Humphrey made a motion, seconded by Mr. King, for the Board to approve Case 04SN0267 subject to conditions, and deleting the condition that grants the conditional use to the applicant exclusively.

Mr. Miller called for a vote on the motion of Mrs. Humphrey, seconded by Mr. King, for the Board to approve Case 04SN0267 subject to the following conditions:

1. All facilities and areas associated with the keeping of horses (stables, pastures, etc.) shall be cleaned and made free of waste on a regular basis. In addition, the property owner shall employ a means of eliminating any odor problems and propagation of insects. (P)
2. This Conditional Use shall be limited to the keeping of three (3) horses. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

17. PUBLIC HEARINGS

O TO CONSIDER AMENDMENTS TO THE COUNTY'S BUSINESS LICENSE TAX ORDINANCE

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider amendments to the

county's business license tax ordinance. She further stated, in an effort to attract and retain businesses in the county, staff is recommending a two-year plan to amend the rate for the professional, financial and real estate services categories from 53 cents currently to 32 cents effective January 2005, and from 32 cents to 20 cents effective January 2006. She stated staff is also recommending amendments relating to the business license tax on flea markets, craft shows and trade shows, with a maximum license tax of \$250 per show. She further stated the proposed amendments, together with the amendment adopted by the Board on April 28, 2004 to cap the liability in the financial services category will effectively bring the business license tax revenue to the budgeted cap for calendar years 2005 and 2006.

Mr. Miller called for public comment.

Mr. Tom Winfree, President of the Chesterfield Chamber of Commerce, commended the Board for making Chesterfield a more business friendly community. He stated the proposed amendments will eliminate a major barrier in limiting the county's ability to attract professional service businesses.

Ms. Debbie Girvin, President-elect of the Chesterfield Chamber of Commerce, stated the proposed amendments will make the county a more attractive home to the professional services category.

Mr. George Peyton, Vice-President of Government Affairs for the Retail Merchants Association of Greater Richmond, expressed concerns that the organization was inadvertently omitted from discussions regarding reduction of the business license tax this year. He stated the Retail Merchants would have requested that the Board continue its course of fairness and use the revenues above the cap to lower the rates paid by all categories including the retail category. He requested that the Board strongly consider a proposal that would provide at least a one-cent reduction to every business license tax category and to use any remaining revenue above the cap to reduce the professional, financial and real estate service categories by the maximum amount allowed in the board's formula.

Mr. Steve Meadows, representing the Gateway Association, stated he supports staff's proposed amendments.

Mr. Roger Habeck, Executive Director of the Chesterfield County Chamber of Commerce, stated he supports staff's recommendation. He further stated the Board has achieved competitiveness in every business category except the professional services category. He stated the county's population is heavily made up of persons in the professional services industry, indicating that many of these people drive to other jurisdictions to go to work. He further stated the two-year plan makes sense and the proposed amendments will be good for Chesterfield County.

Mr. David Root, representing the Richmond Homebuilders Association, stated he believes the tax reduction should be equitable across the board for all categories.

Mr. Barber expressed concerns that the Retail Merchants Association was excluded from discussions regarding business

license tax reductions. He suggested that the group be reassembled, giving the Retail Merchants Association an opportunity to address the proposal and, if the Board does not want to do this, then make a one-year commitment only and reevaluate the issue next year, rather than making a two-year commitment.

Mr. Warren stated he regrets that the Retail Merchants Association was not included in the process, but he believes the proposal will make Chesterfield more competitive with Henrico County, indicating that he will support the amendments.

Mrs. Humphrey stated the Retail Merchants Association's input is very valuable to the Board. She further stated she supports the proposed amendments, indicating that she considers this a recruitment tool to encourage businesses to locate and remain in the county.

Mr. King complimented the county on its efforts to reduce the business license tax. He stated, although he is very sympathetic to all categories, he believes the professional services category has been discriminated against the most for some time. He further stated the other categories are already competitive and he believes the county is moving in the right direction by reducing the professional services category.

Mr. Miller stated there has been no justification for the excessive tax rate of the professional services category and he believes it is time to bring this into parity. He further stated, although the Retail Merchants Association was inadvertently omitted from business license tax discussions, both Mr. Peyton and Mr. Bill Baxter have had one-on-one input with staff as well as each Board member regarding the subject.

There being no one else to speak to the issue, the public hearing was closed.

Mr. King made a motion, seconded by Mr. Barber, for the Board to adopt the ordinance relating to business license fees.

Discussion ensued relative to reviewing business license fees again in one year rather than waiting two years.

Mr. Miller called for a vote on the motion of Mr. King, seconded by Mr. Barber, for the Board to adopt the following ordinance, with the understanding that the business license fees will be reviewed again in one year:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 6-4, 6-23, 6-25, 6-26, 6-27, 6-28, 6-29, 6-30, 6-32, 6-33, 6-34, 6-35 AND 6-50 RELATING TO BUSINESS LICENSES FEES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 6-4, 6-23, 6-25, 6-26, 6-27, 6-28, 6-29, 6-30, 6-32, 6-33, 6-34, 6-35 and 6-50 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 6-4. License fees.

Every person engaged in a business which is licensable pursuant to this chapter shall pay an annual fee if the total gross receipts, or gross purchases in the case of wholesale merchants, from the licensable business activity are \$10,000.00 or more, but less than \$200,000, during the base year. An annual license fee shall be paid for each licensable business activity. The annual fee shall be calculated as follows:

Gross Receipts/Purchases of Each Licensable Business Activity Fee	
\$1.00--\$9,999.99	\$ 0.00
\$10,000.00--\$199,999.99	\$10.00

Sec. 6-23. Imposition of taxes generally.

No tax shall be levied pursuant to this article on any business whose base year gross receipts, or gross purchases in the case of wholesale merchants, were less than \$200,000.00. If the base year gross receipts of the licensable business activity are greater than or equal to \$200,000.00, the amount of such gross receipts shall be reduced by \$200,000.00 for the purpose of calculating the applicable tax and the business shall pay the tax on the reduced amount or a license fee of \$10.00, whichever is greater. The \$200,000.00 reduction shall not apply to any estimates made under section 6-24 but shall apply to the correction of such estimates.

Sec. 6-25. Contractors.

(a) Every contractor shall pay a license tax of \$0.14 per \$100.00 of base year gross receipts.

o o o

Sec. 6-26. Retail merchants.

(a) Every retail merchant shall pay a license tax of \$0.19 per \$100.00 of base year gross receipts.

o o o

Sec. 6-27. Financial services.

Every person engaged in a financial service shall pay a license tax of \$0.32 per \$100.00 of base year gross receipts. However, in no case shall the tax imposed under this section exceed \$90,000.00 per year.

Sec. 6-28. Real estate services.

Every person engaged in a real estate service shall pay a license tax of \$0.32 per \$100.00 of base year gross receipts.

Sec. 6-29. Professional services.

Every person engaged in a professional service shall pay a license tax of \$0.32 per \$100.00 of base year gross receipts.

Sec. 6-30. Miscellaneous services.

(a) Every person engaged in a personal or business service shall pay a license tax of \$0.33 per \$100.00 of base year gross receipts.

(b) Every person engaged in a repair service shall pay a license tax of \$0.27 per \$100.00 of base year gross receipts.

(c) Any person, firm, or corporation designated as the principal or prime contractor receiving identifiable federal appropriations for research and development services as defined in Section 31.205-18 of the Federal Acquisition Regulation in the areas of computer and electronic systems, computer software, applied sciences, economic and social sciences, and electronic and physical sciences, shall be subject to a license tax rate of \$0.03 per \$100.00 of such federal funds received in payment of such contracts upon documentation provided by such person, firm, or corporation to the commissioner of the revenue confirming the applicability of this section.

(d) Every person engaged in research and development, biotechnology, or biomedical research and development businesses shall pay a license tax of \$0.10 per \$100.00 of base year gross receipts.

(e) Every person engaged in an information services business shall pay a license tax of \$0.10 per \$100.00 of base year gross receipts.

Sec. 6-32. Commission merchants.

Every person engaged in business as a commission merchant shall pay a license tax of \$0.33 per \$100.00 of base year gross receipts.

o o o

Sec. 6-33. Wholesale merchants.

(a) Every person engaged in business as a wholesale merchant shall pay a license tax of \$0.10 per \$100.00 of base year gross purchases. However, in no case shall the tax imposed under this section exceed \$20,000.00 per year.

o o o

Sec. 6-34. Direct sellers.

(a) Every person engaged in business as a direct seller at retail shall pay a license tax of \$0.19 per \$100.00 of base year gross receipts.

(b) Every person engaged in business as a direct seller at wholesale shall pay a license tax of \$0.05 per \$100.00 of base year gross receipts.

o o o

Sec. 6-35. Slot machines.

o o o

(b) Every person selling, leasing, renting or otherwise furnishing or providing a coin-operated amusement machine, as defined in Code of Virginia, § 58.1-3720, and Code of Virginia, § 58.1-3721, shall pay a license tax of \$0.33 per \$100.00 of base year gross receipts of such operator from amusement machines operated within the county. This section shall not apply to any person owning less than three coin machines and operating such machines on property owned or leased by such person.

o o o

Sec. 6-50. Flea markets, craft shows and trade shows.

o o o

(c) The license tax imposed by this section shall be equal to \$2.00 per day for each merchant participating in a flea market, craft show or trade show during such day or any portion of such day. The maximum tax shall not exceed \$250.00 for each license for a show, but each flea market, trade show or craft show shall require a separate license. Such license shall not be granted for a period of time in excess of seven (7) consecutive days. In the event that a show taxed pursuant to this section exceeds seven (7) consecutive days in length, the organizer, promoter or manager shall be required to obtain a new license for each additional seven days, and the maximum tax provided for by this section shall apply to the new license. Such license tax shall be due and payable not later than three (3) business days following the conclusion of the show.

o o o

(2) That Section (1) of this ordinance shall become effective January 1, 2005; provided, however, that the amendments to County Code Sections 6-27, 6-28 and 6-29 shall only remain effective until and including December 31, 2005.

(3) That Sections 6-27, 6-28 and 6-29 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 6-27. Financial services.

Every person engaged in a financial service shall pay a license tax of \$0.20 per \$100.00 of base year gross receipts. However, in no case shall the tax imposed under this section exceed \$90,000.00 per year.

Sec. 6-28. Real estate services.

Every person engaged in a real estate service shall pay a license tax of \$0.20 per \$100.00 of base year gross receipts.

Sec. 6-29. Professional services.

Every person engaged in a professional service shall pay a license tax of \$0.20 per \$100.00 of base year gross receipts.

(4) That Section (3) of this ordinance shall become effective January 1, 2006.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

18. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

There were no remaining mobile home permits or zoning requests at this time.

19. ADJOURNMENT

On motion of Mr. Warren, seconded by Mr. King, the Board adjourned at 8:09 p.m. until October 13, 2004 at 4:00 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman